

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
NO. 1:17-CV-026-GCM-DCK

CHERYL A. RICHARD,)
Plaintiff,)
v.)
NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
Defendant.)

)

ORDER

THIS MATTER is before the Court upon the Memorandum and Recommendation of United States Magistrate David C. Keesler, filed February 26, 2018. (Doc. No. 18). The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the Memorandum and Recommendation must be filed within 14 days after service of the memorandum. It appears to the Court that the parties have not filed any such objections.

After an independent and thorough review of the magistrate's memorandum, the Court concludes that there is no clear error on the face of the record and that the recommendation to grant Plaintiff's Motion for Summary Judgment, deny Defendant's Motion for Summary Judgment, vacate the Commissioner's determination, and remand for further consideration is correct and in accordance with law. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment (Doc. No. 11) is **GRANTED**, and Defendant's Motion for

Summary Judgment (Doc. No. 15) is **DENIED**. The Commissioner's determination is **VACATED** and this matter is hereby **REMANDED** for further consideration.

IT IS THEREFORE ORDERED that the Memorandum and Recommendation of the magistrate is hereby **AFFIRMED**.

Signed: March 14, 2018



Graham C. Mullen
United States District Judge

